

### **REMARKS**

The Examiner rejected claims 1-5, 7, 10-13, 15, and 16 under 35 U.S.C. § 102(b) as allegedly being anticipated by Vial 3,990,440.

The Examiner rejected claims 1-3, 5, 7-13, 17, 18, 20, 21, and 25 under 35 U.S.C. § 102(b) as allegedly being anticipated by Borsanyi 4,671,792.

The Examiner rejected claims 1, 6, 22, 23, 25, and 26 under 35 U.S.C. § 102(b) as allegedly being anticipated by Ewerlof 4,869,457.

Applicants respectfully traverse the § 102 rejections with the following arguments.

**In the Specification:**

Applicants assert that no new matter has been added to the specification with the amendments herein. Support for the amendment to the specification may be found in FIG. 3, 5, 8, and 9, which do clearly depict and illustrate the articulated amendment to the specification.

**35 U.S.C. § 102(b):**

The Examiner rejected claims 1-5, 7, 10-13, 15, and 16 under 35 U.S.C. § 102(b) as allegedly being anticipated by Vial 3,990,440.

Applicants respectfully contend that Vial does not anticipate claim 1, because Vial does not teach each and every feature of claim 1. For example, Vial does not teach that the “material reservoir directly communicates with the compressible material line.” In contrast, Vial teaches that the drops pass from the flask 2 into a dropping chamber 9 and then flow into a tube 10. Vial, FIG. 1, see also col. 4, 1. 4-10. As an additional example, Vial does not teach “a material dispensing end, moveably secured to said metering element, for movement with said metering element during dispensing.” Rather, referring to FIG. 1 Vial teaches that the tubing 10 extends beyond the pumping device 6 in such a manner that needle 5 is not “moveably secured to said metering element.” Vial, FIG. 1, Col. 4, ln. 7-13. Therefore, Vial does not teach each and every feature of claim 1.

Support for claim 1 language “material reservoir communicates with the compressible material line” may be found, for example, in the applicant’s specification on page 10, line 13, and in FIGS. 3, 5, and 8-9. Similarly, support for claim 1 language “a material dispensing end, moveably secured to said metering element, for movement with said metering element during dispensing” may be found, for example, on amended page 12, line 18 - 21. Applicants respectfully maintain that Vial does not anticipate claim 1, and that claim 1 is in condition for allowance. Since claims 2-13, 15, and 16 depend from claim 1, Applicants contend that claims 2-13, 15, and 16 are likewise in condition for allowance.

The Examiner rejected claims 1-3, 5, 7-13, 17, 18, 20, 21, and 25 under 35 U.S.C. § 102(b) as allegedly being anticipated by Borsanyi 4,671,792.

Applicants respectfully contend that Borsanyi does not anticipate claim 1, because Borsanyi does not teach each and every feature of claim 1. For example, Borsanyi does not teach that the “material reservoir directly communicates with the compressible material line.” In contrast, Borsanyi teaches that the container 14 is connected to a coupling drip chamber (13, 13a, 13b) which is then connected to tube 12, which may be interrupted by either a valve or clamp 16. Borsanyi, FIG. 1, col. 2, 1. 59- col. 3, 1. 2. As an additional example, Borsanyi does not teach “a material dispensing end, moveably secured to said metering element, for movement with said metering element during dispensing.” Rather, Borsanyi teaches that “[t]he opposite end of the tube 12 leads to a suitable connector 17 ... [where,] [i]n the case of a fluid administration system, the connector would ordinarily take the form of a hypodermic needle or cannula.” Borsanyi, col. 3, 1. 3-7. Also, according to FIG. 1 of the Borsanyi reference, the material dispensing connector 17 is not “moveably secured to said metering element, for movement with said metering element during dispensing.” Therefore, Applicants assert that Borsanyi does not teach each and every feature of claim 1. As previously discussed, no new matter has been added to claim 1 and there is support in the specification for claim 1. Based on the preceding arguments, Applicants respectfully maintain that Borsanyi does not anticipate claim 1, and that claim 1 is in condition for allowance. Since claims 2, 3, 5, and 7-13 depend from claim 1, Applicants contend that claims 2, 3, 5, and 7-13 are likewise in condition for allowance.

Applicants respectfully contend that Borsanyi does not anticipate claim 17, because Borsanyi does not teach each and every feature of claim 17. For example, Borsanyi does not teach that “the material dispensing end is moveably secured into the material delivery unit for movement with the material delivery unit during operation.”

Rather, Borsanyi teaches that “[t]he opposite end of the tube 12 leads to a suitable connector 17 ... [where,] [i]n the case of a fluid administration system, the connector would ordinarily take the form of a hypodermis needle or cannula.” Borsanyi, col. 3, l. 3-7. Also, according to FIG. 1 of the Borsanyi reference, the material dispensing connector 17 is not “moveably secured to said metering element, for movement with said metering element during dispensing.”

As an additional example, Borsanyi does not teach that “a metering element, engaging most of the length of said compressible material line between said metering element and said base.” Borsanyi teaches that the tubing 12 that is within the pump mechanism 11 is only a portion of the total tubing for the device, and not that most of the length of the tubing is engaged by the metering element. Borsanyi, FIG. 1, see also col. 2, l. 60 - col. 3, l. 10. Therefore, Borsanyi does not teach each and every feature of the claimed invention.

Support for claim 17 may be found, for example, in the Applicants’ amended specification on page 12 line 18 - 21 and also in FIG. 3, FIG. 5, FIG. 8, and FIG. 9 of the application, respectively. Based on the preceding arguments, Applicants respectfully maintain that Borsanyi does not anticipate claim 17, and that claim 17 is in condition for allowance. As claims 18, 20, and 21 depend from claim 17, Applicants contend that claims 18, 20, and 21 are likewise in condition for allowance.

The Examiner rejected claims 1, 6, 22, 23, 25, and 26 under 35 U.S.C. § 102(b) as allegedly being anticipated by Ewerlof 4,869,457.

Applicants respectfully contend that Ewerlof does not anticipate claim 1, because Ewerlof does not teach each and every feature of claim 1. For example, Ewerlof does not teach that the “material reservoir directly communicates with the compressible material

PREC-3612 13 10/631,103

line.” In contrast, FIG. 1 of the Ewerlof reference teaches that a coupling member attaches the container 1 to the tubing 3. Further, the coupling member is unnamed in the specification and is omitted in the parts numbering by the reference.

As an additional example, Ewerlof does not teach “a material dispensing end, moveably secured to said metering element, for movement with said metering element during dispensing.” Rather, Ewerlof discloses that the tubular needle, cannula 23 is attached at one end of the tube 3 and, referring to FIG. 1, the cannula 23 is not moveably secured to the valve body in such a manner that the cannula may move with the metering element during dispensing. Ewerlof, col. 2, l. 65-68; see also FIG. 1. Therefore, Ewerlof does not teach each and every feature of claim 1.

Based on the preceding arguments, Applicants respectfully maintain that Ewerlof does not anticipate claim 1, and that claim 1 is in condition for allowance. Since claims 6 and 22 depend from claim 1, Applicants contend that claims 6 and 22 are likewise in condition for allowance.

Applicants respectfully contend that Ewerlof does not anticipate claim 23, because Ewerlof does not teach each and every feature of claim 23. For example, Ewerlof does not teach “a metering element ... operationally attached for engaging most of the length of a compressible material line.” In contrast, Ewerlof teaches a manually operated press-on element that “is designed so as to be able to be moved along the line over the hollow element [to press against it] so that an optional area of [various-sized] openings can be uncovered. Ewerlof, col. 1, l. 56-62; col. 3, l. 50-56. That is, Ewerlof discloses that the metering device be movable along the line. Also, referring to FIG. 1, Ewerlof teaches that the reel 11 compresses only a small portion of the entire length of

the tubing 3 when metering the liquid 2 through the tubing 3. That is, Ewerlof does not teach each and every feature of claim 23.

Based on the preceding arguments, Applicants respectfully maintain that Ewerlof does not anticipate claim 23, and that claim 23 is in condition for allowance. Since claims 25 and 26 depend from claim 23, Applicants contend that claims 25 and 26 are likewise in condition for allowance.

### CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 19-0513 for any and all fees required to continue appropriate Examination of the application.

Date: 11/2/06

/Jonathan M. Madsen/

Jonathan M. Madsen  
Registration No. 55,419  
Customer # 5409  
Schmeiser, Olsen & Watts  
22 Century Hill Drive, Suite 302  
Latham, New York 12110  
(518)220-1850